CORRESPONDENCE.

THE COURT OF APPEALS.

Editor Virginia Law Register:

As the law now provides, the Court of Appeals holds sessions at Richmond, Wytheville and Staunton.

At Wytheville, appeals are heard from twenty-one counties, and there is one term a year; at Staunton, appeals are heard from fourteen counties, and there is one term a year. Appeals from the rest of the State, sixty-five counties, are heard at Richmond, where there are three terms. Under the present arrangement the counties from which appeals are taken to Wytheville and Staunton, are practically discriminated against, because there being but one term a year at either of these places, the appeal cannot be heard until the term following the granting of the appeal; and then, under the present law as to printing records, there is ample opportunity for delay where the appellant desires to postpone the decision, as is sometimes the case.

We have in mind now a case, pending at Staunton, which has outlived two terms of the court at that place, and is now on the road for the third. Were there three sessions of the court at Staunton as is the case at Richmond, the case could not have been pending one-fourth of the time. We have no doubt there are cases at Wytheville with the same history.

There was a time when most of the business in the Supreme Court came from the sixty-five counties, whose appeals are heard at Richmond—but this is no longer the case. The great de elopment of the Southwest and the steady growth of the Valley has materially changed old conditions. It will doubtless surprise most of the Bar, but it is the fact nevertheless, that the thirty-five counties whose appeals are heard at Wytheville and Staunton, now furnish more business to the court than the sixty-five at Richmond. Since January 1st, 1895, there have been docketed at Richmond only 206 cases, while at Wytheville and Staunton there have been docketed in the same time 241. How many appeals have been refused, I am not aware. It is plain therefrom that some relief should be afforded the people of the thirty-five counties, whose business in the court is considerably in excess of the sixty-five. By reason of the three terms a year at Richmond, the business at this place can be matured with very much greater rapidity than at Staunton and Wytheville. The appellant must print by the second term or his appeal is dismissed. At Staunton and Wytheville this delay means a year. It only means a few months at Richmond. Of course we know that there was no intention on the part of the legislature to discriminate against the people of one-third of the State, whose business now exceeds that of the other two-thirds—but we think the time has come for some relief. Surely no one will question the right of a litigant from Wise county to be dealt with exactly like the litigant from the city of Richmond and with fair men of course it is only necessary to point out the evil to insure its correction. How then can this be done? The courts at Wytheville and Staunton might be abolished and appeals be heard at Richmond

in the order of granting, but this looks a trifle like the mountain going to Mahomet. The business is remote from Richmond, and naturally the litigants desire a nearer and more accessible point. The number of terms at Richmond might be reduced to two and increased one each at Staunton and Wytheville, thus putting all litigants throughout the State on the same footing. This would very greatly facilitate the maturing of cases at these places, and seems but fair if the court is to continue to hold sessions there. It might be considered advisable by some to abolish the courts at Staunton and Wytheville and substitute Roanoke, a point accessible to both the Valley and Southwest by reason of the railroad facilities, and hold two terms a year there and two a year at Richmond. The consolidation of the libraries now at Staunton and Wytheville, with such new books as the sale of duplicates would furnish, would give nearly as good a library as is now at Richmond, and the saving in expenses, if appropriated to the library, would soon supply a complete one. New York furnishes each of her judges a library quite as full as the one at Richmond, which all the judges have to use.

We hope the coming session of the legislature will give this matter consideration, and if possible afford relief. Since the present law was enacted, conditions have so changed that it now works an unfair discrimination against the Valley and Southwest, and surely the legislature will not hesitate, if it does nothing more, to so revise the law that the bulk of the business before the court shall be placed upon the same footing as the balance, and all litigants be given equal and exact justice in the hearing of their cases in the highest tribunal in the State.

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PROPERTY IN POSSESSION OF EXECUTION DEBTOR.

Editor Virginia Law Register:

In the humble opinion of the writer, one of the potential causes of the hard times of which our people complain, is superinduced by a lack of confidence in business circles. There are so many ways by which the payment of honest debts can be evaded, people are slow to part with their money or goods, and thus the whole progress of trade is retarded; and when the law is resorted to, and execution is placed in the hands of officers of the law, and property is found in the possession of the defendant, it is in nearly every case claimed by some third party. By enquiries made of the sheriff and constables of my county, I learn that this is true in about four cases out of five, and I believe a similar state of things exists in a large portion of the State.

Under our present law, in such cases, the plaintiff must indemnify the officer or else file his interpleader under section 3000 of the Code, either of which entails upon him considerable expense and annoyance.

The writer submits that it is time that a law was passed to facilitate the collection of money under execution; and, without undertaking to give the details of such a statute as should be passed, he would offer the following suggestions:

1st. Property found in the possession of a defendant in an execution on which an execution is a lien, should be presumed to be the property of the defendant in the execution; and, if claimed by some third party, such third party should be